IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 6870 of 2007(P)

CMA.8/2006 of SUB COURT, TIRUR IN IA.561/2005 IN OS.81/2005 of M.C.,PARAPPANANGADI

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PETITIONER:

POOLAKKAL MOIDEENKUTTY,
S/O.MUHAMMED, THRIKKULAM AMSOM AND DESOM,
TIRURANGADI.

BY ADV. SRI.JOSE K.KOCHUPAPPU
SRI.T.M.CHANDRAN
SRI.S.SUJITH
SRI.V.A.SASIDHARAN

RESPONDENTS:
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1. VILAKKANDATHIL MUHAMMED HAJI,
C.K. NAGAR, THRIKKULAM AMSOM,
THIRURANGADI.

2. MANAGESR (ADMINISTRATION)
TATA TILE SERVICE LTD., KERALA CIRCLE,
KOCHI.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR
SMT.A.SIRJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF PETITION IN IA 561/05 DTD.29.3.05 IN OS 81/05 M.C. PARAPPANANGADI.**

EXT.P2 **COMMISSION REPORT AND PLAN IN OS 81/05 M.C. PARAPPANANGADI.**

EXT.P3 **TRUE COPY OF ORDER DTD. 7.4.05.**

EXT.P4 **TRUE COPY OF JUDGMENT IN WPC 28614/05 HIGH COURT OF KERALA DTD.24.1.06.**

EXT.P5 **TRUE COPY OF ORDER DTD.15.3.06 IN IA 561/05.**

EXT.P6 **TRUE COPY OFJUDMENT IN CMA 8/06 SUB COURT, TIRUR.**

EXT.P7 **TRUE COPY OF COMMISSION REPORT DTD. 25.2.06 ALONG WITH CERTIFICIATE OF ANALYSIS.**

EXT.P8 **TRUE COPY OF PETITION DTD.20.2.06**

EXT.P9 **TRUE COPY OF CONSENT LETTER DTD.16.6.05 ALONG WITH PLAN FROM KERALA STATE POLLUTION CONTROL BOARD.**

EXT.P10 **TRUE COPY OF THE NON OBJECTION CERTIFICIATE DTD.2.9.04 ISSUED BY THE PANCHAYAT.**

[True copy]

P.A. to Judge.

M.N.KRISHNAN, J

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W.P.(C) No.6870 OF 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This writ petition is filed to set aside the orders passed by the Sub Court, Tirur in C.M.A.No.8 of 2006 and I.A.No.561/2005 in O.S.No.81 of 2005 of the Munsiff's Court, Parappanangadi. The suit is one for mandatory injunction and prohibitory injunction and the subject matter involved at the interim stage is regarding the usage of a diesel generator. By the impugned order, the court has not prevented the usage of the diesel generator and it is aggrieved by that decision the writ petition is filed.

2. At this stage, this court cannot go and re-appreciate the facts, but the only way out is to direct the court below to expedite the matter and dispose it of at the earliest. Therefore, the writ petition is disposed of directing the trial court to dispose of the matter within a period of 4 months from today untrammeled by the observations contained in the orders passed by the courts below. Needless to say that the parties will be at liberty to adduce evidence in support of their contentions including expert scientific

evidence which may be decisive in deciding the matter.

M.N.KRISHNAN, JUDGE

Cdp/-